

Remarks

Support for the above-requested amendments to claim 1 is found at least at page 6, lines 23-26, page 7, lines 10-11, page 9, lines 15-16, and Figure 1. Support for the amendments to claim 52 is found at least at page 8, lines 21-26. Claims 38-40, 42-46, 48-51, and 57-58 have been canceled without prejudice. Claims 2, 6-7, 14, 16-37, and 41 were canceled without prejudice in previous Amendments. No question of new matter arises and entry of the amendments is respectfully requested.

Claims 1, 3-5, 8-13, 15, 47, 52-56, and 59-62 are before the Examiner for consideration.

Species Election

The Examiner acknowledges the election with traverse of Species 1 of Species Group I and Species 1 from Species Group II and has found the argument to be persuasive for Species Group II. Therefore, this species rejection has been withdrawn.

In addition, the Examiner states that the argument filed in response to the Election of Species is only persuasive for Species Group I because the species require a different field of search, and/or the prior art applicable to one species would not likely be applicable to another species, and/or the species are likely to raise different non-prior art issues under 35 U.S.C. §101 and/or 35 U.S.C. §112, first paragraph.

The Examiner also states that in addition to previously withdrawn claims 57 and 58, claims 38-40, 42-46, and 48-51 have been withdrawn from further consideration as being drawn to a nonelected species from Species Group I.

In response, Applicants have canceled claims 38-40, 42-46, 48-51, and 57-58 without prejudice.

Rejection under 35 U.S.C. §112, first paragraph

Claims 52-56 and 59-62 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner asserts that although the specification discloses that ribs may be cut from a blanket of cubes of fibrous material, the specification is silent regarding cubed ribs.

In response to this rejection, Applicants have amended claim 52 to recite “a plurality of fibrous ribs formed of cubed fibrous material”. Applicants respectfully submit that support

for this amendment to claim 52 is found at least at page 8, lines 21-23 of the specification. Applicants submit that amended claim 52 is fully supported by the application as originally filed and respectfully request that this rejection be reconsidered and withdrawn.

Rejection under 35 U.S.C. §112, first paragraph

Claims 52-56 and 59-62 have been rejected under 35 U.S.C. §112, first paragraph, for lack of enablement. In particular, the Examiner asserts that the specification is silent regarding how to make a blanket of cubes of fibrous material as shown in Figure 4.

In response to this rejection, Applicants submit that the material and method of manufacture of the cubed fibrous material is fully described in U.S. Patent Application Serial Number 10/749,084, now U.S. Patent No. 7,226,879 (assigned to Owens Corning), which is expressly incorporated by reference in its entirety on page 8, lines 23-26 in the application as filed. Applicants respectfully submit that an application for patent may incorporate the content of another document by reference to that document in the text of the specification. (*See, e.g., Manual of Patent Examining Procedure*, Patent Publishing, LLC, Eighth Ed., Rev. 3, August 2005, §2163(b)). Further, Applicants submit that such information incorporated is as much a part of the application as filed as if the text was repeated in the application, and should be treated as part of the text of the application as filed. (*Id.*). Accordingly, Applicants submit that the method of manufacturing a cubed fibrous mat is properly incorporated by reference and fully supports claims 52-56 and 59-62.

Additionally, Applicants submit that the manufacture of the cubed fibrous mat is not essential to the claimed invention. According to MPEP §608.01, “while the prior art setting may be mentioned in general terms, the essential novelty, the essence of the invention, must be described in such detail, including proportions and techniques, where necessary, as to enable those persons skilled in the art to make and utilize the invention.” (*See, e.g., Manual of Patent Examining Procedure*, Patent Publishing, LLC, Eighth Ed., Rev. 3, August 2005). Applicants submit that the formation of the cubed fibrous material is not essential to the fibrous ribs formed of the cubed material as claimed in claims 52-56 and 59-62. In other words, it is the ribs that are the essence of the invention, not the formation of the cubed fibrous material. Therefore, Applicants respectfully submit that the ribs claimed in claims 52-56 and 59-62 are fully enabled by the specification.

In view of the above, Applicants respectfully request reconsideration and withdrawal of this rejection.

Rejection Under 35 U.S.C. §102(b)

Claims 52, 55, 56, and 59-62 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,892,187 to Patrick ("Patrick"). In particular, the Examiner asserts that Patrick discloses a liner/insulator that includes a base layer of fibrous material and a plurality of cubed, fibrous ribs that extend from and which are bonded to the base layer. It is also asserted that the base layer and ribs are formed of polyester and/or glass fibers and extend parallel to one another in sets. Additionally, the Examiner asserts that the base layer is a uniform base layer.

In response to this rejection, Applicants respectfully direct the Examiner's attention to the amendments to claim 52 and submit that claim 52 defines a liner/insulator that is not taught (or suggested) within Patrick. Patrick teaches a headliner that includes a bulk layer attached to a support member embossed with a pattern of hemispheres forming a plurality of resonator cavities. (*See, e.g.*, column 3, lines 17-22). The resonator cavities are open to the side of the support member and have a specific volume. (*See, e.g.*, column 3, lines 22-24). An orifice with a predetermined diameter is provided within the support member to provide communication to the resonator cavity. (*See, e.g.*, column 3, lines 24-27). The bulk layer is preferably formed of acoustically absorbent material. (*See, e.g.*, column 4, lines 5-8). In one embodiment, the resonator cavity is also filled with an acoustic absorbent material. (*See, e.g.*, column 6, lines 32-34).

Applicants respectfully submit that there is no teaching (or suggestion) within Patrick of a liner/insulator that includes a base layer of fibrous material and a plurality of fibrous ribs formed of cubed fibrous material that extend from and which are thermally bonded to the base layer as claimed in claim 52. Initially, Applicants submit that Patrick does not teach (or suggest) fibrous ribs that extend from and which are thermally bonded to a base layer. Assuming, *arguendo*, that the resonator cavities were equated to "ribs", Patrick specifically teaches that the resonating cavities may be filled with a fibrous material, such as polyester fiber. (*See, e.g.*, column 6, lines 32-34). There is no teaching (or suggestion) of a cubed fibrous material. Indeed, Patrick is silent as to any teaching of ribs formed from a cubed fibrous material. Thus, Patrick does not teach (or suggest) a plurality of fibrous ribs formed

of cubed fibrous material as claimed in amended claim 52. In order for a reference to be anticipatory, each and every element of the claimed invention must be found within the four corners of the cited reference. Because Patrick does not teach fibrous ribs formed of cubed fibrous material as required by claim 52, Applicants submit that Patrick is not an anticipatory reference. Accordingly, Applicants submit that independent claim 52, and all claims dependent therefrom, are not anticipated by Patrick and respectfully request that this rejection be reconsidered and withdrawn.

Rejection Under 35 U.S.C. §103(a)

Claims 1, 3-5, 8-13, 15, 47, 53, and 54 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,497,950 to Patrick ("Patrick") as applied to claims 52, 55, 56, and 59-62 above, and further in view of U.S. Patent No. 5,855,390 to Alkire, *et al.* ("Alkire"). In particular, the Examiner asserts that Patrick discloses that the base layer and plurality of ribs are formed of polyester and/or glass fibers, but does not mention specific glass fibers. In this regard, Alkire is cited for assertedly teaching the use of glass staple bicomponent fibers to reduce cost, process with less effort, and/or improve performance characteristics. The Examiner concludes that it would have been obvious to one of skill in the art to have included glass staple bicomponent fibers in Patrick to reduce cost, process with less effort, and/or to improve performance characteristics.

In response to the rejection of claims 1, 3-5, 8-13, 15, and 47, Applicants respectfully direct the Examiner's attention to independent claim 1 and submit that claim 1 defines a liner/insulator that is not taught or suggested within Patrick and/or Alkire. Patrick teaches a headliner that includes a bulk layer attached to a support member embossed with a pattern of hemispheres forming a plurality of resonator cavities. (*See, e.g.*, column 3, lines 17-22). The resonator cavities are open to the side of the support member and have a specific volume. (*See, e.g.*, column 3, lines 22-24). An orifice with a predetermined diameter is provided within the support member to provide communication to the resonator cavity. (*See, e.g.*, column 3, lines 24-27). The bulk layer is preferably formed of acoustically absorbent material. (*See, e.g.*, column 4, lines 5-8). In one embodiment, the resonator cavity is also filled with an acoustic absorbent material. (*See, e.g.*, column 6, lines 32-34).

Alkire teaches irregularly shaped long glass fibers. (*See, e.g.*, column 3, lines 54-57). The irregularly shaped glass fibers may be collected on opposing conveyor surfaces to form a

wool pack. (*See, e.g.*, column 4, lines 3-6). These wool packs or “portions” may be processed directly without any intervening steps, such as those that accompany conventional glass fiber processing. (*See, e.g.*, column 4, lines 15-19). Further, the packs do not require a binder. (*See, e.g.*, column 3, lines 60-63). In one embodiment, a non-woven material formed of an uncarded, needled glass fiber wool including the irregularly shaped glass fibers is formed. (*See, e.g.*, column 4, lines 53-55). Preferably, the glass fibers are bicomponent glass fibers blended with other fibers. (*See, e.g.*, column 4, lines 55-56).

Applicants respectfully submit that neither Patrick nor Alkire teach or suggest a liner/insulator that includes a plurality of ribs of fibrous material that both project outwardly and are positioned exterior to a uniform base layer of fibrous material where the fibrous ribs are thermally bonded to the base layer. Patrick teaches a bulk layer of fibrous material affixed to one side of a support member. (*See, e.g.*, column 3, lines 17-20 and column 4, lines 5-8). The support member is embossed with a pattern of hemispheres that form a plurality of resonator cavities. (*See, e.g.*, column 3, lines 20-22). Thus, the bulk layer has an undulating, uneven surface, as is depicted in Figures 1-3. Applicants respectfully submit that the irregular surface of the bulk layer in Patrick is vastly different from the uniform base layer of the presently claimed invention. As taught by the Online Merriam Webster dictionary, uniform is defined as having the same form or presenting an unvaried appearance of the surface. (*See*, Attachment A, <http://www.merriam-webster.com/dictionary/uniform>, attached hereto for the Examiner’s convenience).

Applicants submit that during the examination of an application, the claims must be interpreted as broadly as their terms reasonably allow. (*See, e.g., Manual of Patent Examining Procedure*, Patent Publishing, LLC, Eighth Ed., Rev. 3, August 2005, §2111.01, citing *In re American Academy of Science Tech Center*, 367 F.3d 1359, 1369, 70 USPQ2d 1827, 1834 (Fed. Cir. 2004)). It is further taught that the words of a claim must be given their plain meaning unless the plain meaning is inconsistent with the specification. (*See, Manual of Patent Examining Procedure*, Patent Publishing, LLC, Eighth Ed., Rev. 3, August 2005, §2111.01 citing *In re Zletz*, 893 F.2d 319, 321, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) and *Chef America, Inc. v. Lamb-Weston, Inc.*, 358 F.3d 1371, 1372, 69 USPQ2d 1857 (Fed. Cir. 2004)). Dictionaries may be used to interpret terms within the specification. (*See, Manual of Patent Examining Procedure*, Patent Publishing, LLC, Eighth Ed., Rev. 3, August 2005, §2111.01(III)). Applicants submit that the term “uniform” in the specification and

claims is used in conformity with its common meaning as defined in a dictionary, *i.e.*, that the base layer is has the same form and is unvaried in its surface appearance. Accordingly, the uniform base layer should be interpreted as meaning that the base layer of the present invention has a substantially flat or otherwise non-irregular surface. As shown pictorially in at least Figures 1 and 2 of the present application, the “uniform” base layer has no undulations or irregularities.

Patrick does not teach or suggest a base layer that does not contain an irregular surface/bulk layer. In each of the embodiments of Patrick, the support member contains curves that form the resonator cavities. Thus, it is clear from the teachings of Patrick that the bulk layer is not a uniform layer, and is, in fact, the opposite of the uniform base layer of fibrous material claimed in claim 1. Alkire is silent as to any teaching or suggestion of a base layer or ribs, and thus cannot make up for the deficiencies of Patrick. As such, Applicants respectfully submit that the combination of the teachings of Patrick and Alkire would not result in the liner/insulator of claim 1. Accordingly, it is respectfully submitted that the rejection of claim 1 must fail.

Moreover, it is respectfully submitted that neither Patrick nor Alkire teach or suggest a plurality of ribs projecting outwardly and positioned exterior to a uniform base layer because Patrick and Alkire do not teach or even suggest a uniform base layer. Indeed, Patrick teaches a non-uniform bulk layer, and thus teaches away from the claimed invention in which the base layer is uniform. Also, in Patrick, the resonator cavities may be filled with an acoustically absorbent material. (*See, e.g.*, column 6, lines 32-34). Even if the filled cavities of Patrick were equated with the ribs of the present invention, they still do not project outwardly and are not positioned exterior to a uniform base layer. In Patrick, the bulk layer partially surrounds the filled cavities. Applicants respectfully submit that claim 1 is patentable for these additional reasons.

In addition, Applicants submit that there is no motivation for one of skill in the art to arrive at the liner/insulator of claim 1 based on the disclosures of Patrick and/or Alkire. To establish a *prima facie* case of obviousness, there must be some motivation, either within the reference or in the knowledge of those of skill in the art, to modify the reference or combine the references’ teachings, there must be a reasonable expectation of success, and the prior art references must meet all of the claim limitations. (*See, e.g., Manual of Patent Examining Procedure*, Patent Publishing, LLC, Eighth Ed., Rev. 3, August 2005, §2142). Because

neither Patrick nor Alkire teach or suggest a liner/insulator that includes (1) a uniform base layer of fibrous material, and (2) a plurality of ribs of fibrous material projecting outwardly and positioned exterior to the uniform base layer, where the base layer and plurality of ribs are selected from (a) thermoplastic polymer staple fibers and thermoplastic bicomponent fibers, (b) glass staple fibers and glass bicomponent fibers, (c) glass staple fibers and thermoplastic bicomponent fibers, and (d) a combination of (a), (b) and (c) as required by amended claim 1, there can be no motivation for one of ordinary skill in the art to arrive at the liner/insulator of claim 1 based on the disclosures of Patrick and/or Alkire. Without some teaching or suggestion, there can be no motivation, and without motivation, there can be no *prima facie* case of obviousness.

With respect to the rejection of claims 53 and 54, Applicants respectfully direct the Examiner's attention to independent claim 52 and submit that claim 52 defines a liner/insulator that is not taught or suggested within Patrick and/or Alkire. Specifically, Applicants respectfully submit that there is no teaching or suggestion within Patrick of a liner/insulator that includes a base layer of fibrous material and a plurality of fibrous ribs formed of cubed fibrous material that extend from and which are thermally bonded to the base layer as claimed in claim 52. There is simply no teaching or suggestion of a cubed fibrous material within the four corners of Patrick. Indeed, Patrick is silent with respect to any teaching of ribs formed from a cubed fibrous material. Accordingly, Applicants submit that claim 52 is non-obvious and patentable. Because claims 53 and 54 are dependent upon claim 52, it is respectfully submitted that claims 53 and 54 are also non-obvious and patentable.

Further, Applicants submit that even if the resonator cavities were equated to "ribs", Patrick specifically teaches that the resonating cavities may be filled with a fibrous material, such as polyester fibers. (*See, e.g.*, column 6, lines 32-34). Patrick does not teach or suggest the use of cubed fibrous material. Alkire is silent as to any teaching or suggestion of a base layer or ribs, and thus cannot make up for the deficiencies of Patrick. As such, Applicants respectfully submit that the combination of the teachings of Patrick and Alkire would not result in the liner/insulator of claim 52. Thus, it is respectfully submitted that the rejection of claim 52 must fail.

Additionally, Applicants submit that there is no motivation for one of skill in the art to arrive at the liner/insulator of claim 52 based on the disclosures of Patrick and/or Alkire. As

discussed above, in order to establish a *prima facie* case of obviousness, there must be some motivation, either within the reference or in the knowledge of those of skill in the art, to modify the reference or combine the references' teachings. (See, e.g., *Manual of Patent Examining Procedure*, Patent Publishing, LLC, Eighth Ed., Rev. 3, August 2005, §2142). Because neither Patrick nor Alkire teach or suggest a liner/insulator that includes (1) a uniform base layer of fibrous material, and (2) a plurality of fibrous ribs formed of cubed fibrous material extending from and thermally bonded to the base layer as required by amended claim 52, there can be no motivation for one of ordinary skill in the art to arrive at the liner/insulator of claim 52 based on the disclosures of Patrick and/or Alkire. As discussed above, without some teaching or suggestion, there can be no motivation, and without motivation, there can be no *prima facie* case of obviousness.

In view of the above, it is respectfully submitted that independent claims 1 and 52 are not taught or suggested by Patrick or Alkire, either alone or in combination, and that claims 1 and 52 are therefore non-obvious and patentable. With respect to dependent claims 3-5, 8-13, 15, 47, 53, and 54, Applicants submit that because independent claims 1 and 52 are not taught or suggested by Patrick and/or Alkire and claims 3-5, 8-13, 15, 47, 53, and 54 are each dependent upon claim 1 or 52 and contain the same elements as the claim from which they depend, dependent claims 3-5, 8-13, 15, 47, 53, and 54 are also not taught or suggested by Patrick and/or Alkire.

Accordingly, Applicants respectfully submit that claims 1, 3-5, 8-13, 15, 47, 53, and 54 are not obvious over Patrick in view of Alkire and respectfully request that this rejection be reconsidered and withdrawn.

Rejection Under 35 U.S.C. §103(a)

Claims 1, 3, 5, 9-13, and 15 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,497,950 to Haile, *et al.* ("Haile") in view of U.S. Patent No. 5,660,908 to Kelman, *et al.* ("Kelman"). The Examiner asserts that Haile teaches that it is known in the headliner art to use thermoplastic bicomponent staple fibers and glass staple fibers. The Examiner admits that Haile does not teach specific headliner designs. In this regard, Kelman is cited for assertedly teaching a headliner that includes a base layer of fibrous material and a plurality of ribs thermally bonded to the base layer. The Examiner concludes that it would have been obvious to one of skill in the art to make the headliner of Haile in the design disclosed by Kelman.

In response to this rejection, Applicants first respectfully direct the Examiner's attention to independent claim 1 and submit that claim 1 defines a liner/insulator that is not taught or suggested within Haile and/or Kelman. Haile teaches binder fibers made from polyesters formed from the reaction product of at least about 50 mol% of a glycol having four or six carbon atoms by controlling the amounts of diethylene glycol and ethylene glycol to less than about 20 mol% of the glycol component. (*See, e.g.*, column 2, lines 26-32 and column 3, lines 50-58). Preferred polyesters are capable of resisting failure when the bonded objects are repeatedly subjected to elevated temperatures. (*See, e.g.*, column 10, lines 51-58). The polyester fibers may be in the form of unicomponent or bicomponent fibers. (*See, e.g.*, column 13, lines 22-24). These binder fibers may be blended with other fibers such as polyester, acrylic, nylon, and glass. (*See, e.g.*, column 13, lines 58-64).

Kelman teaches a recyclable automotive headliner formed from a batt of polyethylene terephthalate (PET) fibers. (*See, e.g.*, column 2, lines 12-15). The back side of the batt contains a plurality of impressions in the form of corrugations or "reverse ribs". (*See, e.g.*, column 2, lines 37-40). The corrugations include a plurality of corrugation channels disposed between corrugation ribs. (*See, e.g.*, column 2, lines 40-42). Full density PET fills each corrugation channel between the back side of the batt and the scrim layer. (*See, e.g.*, column 2, lines 61-62). The full density PET is heat-bonded to the low-melt fibers in the batt. (*See, e.g.*, column 2, lines 64-65). Alternatively, the PET filler material may be bonded to the batt by an adhesive. (*See, e.g.*, column 3, lines 14-17).

Applicants respectfully submit that neither Haile nor Kelman teach or suggest a liner/insulator in which a plurality of ribs of fibrous material that both project outwardly and

which are positioned exterior to a uniform base layer of fibrous material where the fibrous ribs are thermally bonded to the base layer. In Kelman, the back side of the fibrous batt (12) includes a plurality of impressions in the form of corrugations (18) or “reverse ribs”. (*See, e.g.*, column 2, lines 37-40). The corrugations (18) include corrugation channels (20) that define corrugation ribs (22). (*See, e.g.*, column 2, lines 40-42 and Figure 2). As shown pictorially in Figure 2, the fiber batt (12) has an uneven surface of thick and thin portions. Indeed, Kelman specifically teaches that between the corrugations (18) and the batt front side (14) are areas of “reduced batt thickness and correspondingly higher batt fiber density.” (*See, e.g.* column 2, lines 42-46). As discussed above, “uniform” is defined by the Online Merriam Webster Dictionary as having the same form or presenting an unvaried appearance of the surface. (*See*, Attachment A, <http://www.merriam-webster.com/dictionary/uniform>). Accordingly, the uniform base layer should be interpreted as meaning that the base layer of the present invention has a substantially flat or otherwise non-irregular surface. Applicants submit that the irregular surface of the fiber batt (12) in Patrick is very different from the uniform base layer of the presently claimed invention.

In fact, Kelman does not teach or suggest a fibrous batt that does not contain irregularities. In Kelman, the base layer is specifically formed to have areas of reduced batt thickness. (*See, e.g.*, column 2, lines 42-46). Thus, it is clear from the teachings of Kelman that the fibrous batt is not a uniform layer, and is, in fact, the opposite of the uniform base layer of fibrous material claimed in claim 1. Indeed, the fibrous batt of Kelman is not uniform in the surface or in density. Haile is silent as to any teaching or suggestion of a base layer, ribs, and headliner design, and thus cannot make up for the deficiencies of Kelman. As such, Applicants respectfully submit that the combination of the teachings of Kelman and Haile would not result in the liner/insulator of claim 1. Accordingly, it is respectfully submitted that this rejection of claim 1 must fail.

Moreover, it is respectfully submitted that neither Haile nor Kelman teach or suggest a plurality of ribs projecting outwardly and positioned exterior to a uniform base layer because Haile and Kelman do not teach or even suggest a uniform base layer. Indeed, Kelman teaches a non-uniform fibrous batt, and thus teaches away from the claimed invention in which the base layer is uniform. Also, as taught in Kelman, the corrugation channels (20) may be filled with full-density extruded polyethylene terephthalate. (*See, e.g.*, column 2, lines 62-66). Applicants submit that even if the filled corrugation channels of

Kelman were equated to the ribs of the present invention, they still do not project outwardly and are not positioned exterior to a uniform base layer. In Kelman, the fibrous batt partially surrounds the filled channels. Applicants respectfully submit that claim 1 is patentable for these additional reasons.

In addition, Applicants submit that there is no motivation for one of skill in the art to arrive at the liner/insulator of claim 1 based on the disclosures of Haile and Kelman. To establish a *prima facie* case of obviousness, there must be some motivation, either within the reference or in the knowledge of those of skill in the art, to modify the reference or combine the references' teachings, there must be a reasonable expectation of success, and the prior art references must meet all of the claim limitations. (*See, e.g., Manual of Patent Examining Procedure*, Patent Publishing, LLC, Eighth Ed., Rev. 3, August 2005, §2142). Because Haile and Kelman do not teach or suggest a liner/insulator that includes (1) a uniform base layer of fibrous material, and (2) a plurality of ribs of fibrous material projecting outwardly and positioned exterior to the uniform base layer, where the base layer and plurality of ribs are selected from (a) thermoplastic polymer staple fibers and thermoplastic bicomponent fibers, (b) glass staple fibers and glass bicomponent fibers, (c) glass staple fibers and thermoplastic bicomponent fibers, and (d) a combination of (a), (b) and (c) as required by amended claim 1, there can be no motivation for one of ordinary skill in the art to arrive at the liner/insulator of claim 1 based on the disclosures of Haile and/or Kelman. Without some teaching or suggestion, there can be no motivation, and without motivation, there can be no *prima facie* case of obviousness.

In view of the above, it is respectfully submitted that independent claim 1 is not taught or suggested by Haile and Kelman, either alone or in combination, and that claim 1 is therefore non-obvious and patentable. With respect to dependent claims 3, 5, 9-13, and 15, Applicants submit that because independent claim 1 is not taught or suggested by Haile and/or Kelman and claims 3, 5, 9-13, and 15 are each dependent upon claim 1, dependent claims 3, 5, 9-13, and 15 are also not taught or suggested by Haile and/or Kelman.

Accordingly, Applicants respectfully submit that claims 1, 3, 5, 9-13, and 15 are not obvious over Haile in view of Kelman and respectfully request reconsideration and withdrawal of this rejection.

Rejection Under 35 U.S.C. §103(a)

Claims 4 and 8 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,497,950 to Haile, *et al.* (“Haile”) in view of U.S. Patent No. 5,660,908 to Kelman, *et al.* (“Kelman”) as applied to claims 1, 3, 5, 9-13, and 15 above, and further in view of U.S. Patent No. 5,892,187 to Patrick (“Patrick”). The Examiner admits that Kelman is silent with respect to any teaching of the distance between the ribs and the width of the ribs. Patrick is cited for assertedly teaching that it is known in the headliner art to vary the distance between the ribs and the width of the ribs based on the desired sound or noise to be attenuated. In addition, the Examiner asserts that Patrick teaches that the width of the ribs may be about 22 mm or less. The Examiner concludes that it would have been obvious to one of skill in the art to space the ribs at least about 0.25 inches and to have a width of about 0.5 to 3.0 inches with the expectation of successfully practicing the invention based on the desired sound or noise to be attenuated.

In response to this rejection, Applicants respectfully direct the Examiner’s attention both to the amendments made to claim 1 and to the arguments presented above with respect to the rejection of claims 1, 3, 5, 9-13, and 15 under 35 U.S.C. §103(a) over Haile in view of Kelman and submit that claim 1, as amended, defines a liner/insulator that is not taught or suggested by Haile and/or Kelman. As discussed above, neither Haile nor Kelman teach or suggest a liner/insulator in which a plurality of ribs of fibrous material project outwardly and which are positioned exterior to a uniform base layer of fibrous material where the fibrous ribs are thermally bonded to the base layer as claimed in amended claim 1. As discussed in detail above, Patrick does not teach or suggest a uniform base with fibrous ribs thermally bonded to a base layer, and thus does not make up for the deficiencies of Haile and Kelman, namely, a plurality of fibrous ribs projecting outwardly and positioned exterior to a uniform base layer. Therefore, it is respectfully submitted that claim 1, as amended, is not taught or suggested by Haile, Kelman, and/or Patrick. As such, Applicants respectfully submit that claim 1 is non-obvious and patentable over Haile, Kelman, and Patrick, in any combination. Because claims 4 and 8 are dependent upon claim 1, which, as discussed above, is neither taught nor suggested by Haile and Kelman, and because Patrick adds nothing to the teachings of Haile or Kelman with respect to ribs projecting outwardly and positioned exterior to a uniform base, Applicants submit that claims 4 and 8 are not taught or suggested by the combination of Haile, Kelman and/or Patrick.

In view of the above, Applicants submit that claims 4 and 8 are not obvious over Haile, Kelman and/or Patrick and respectfully request that the Examiner reconsider and withdraw this rejection.

Rejection Under 35 U.S.C. §103(a)

Claim 47 has been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,497,950 to Haile, *et al.* ("Haile") in view of U.S. Patent No. 5,660,908 to Kelman, *et al.* ("Kelman") as applied to claims 1, 3, 5, 9-13, and 15 above, and further in view of U.S. Patent No. 5,885,390 to Alkire, *et al.* ("Alkire"). The Examiner asserts that Haile teaches that it is known in the headliner art to use thermoplastic bicomponent staple fibers and glass staple fibers. The Examiner admits that Haile does not teach glass staple fibers and glass bicomponent fibers. In this regard, Alkire is cited for assertedly teaching that it is known to use glass staple bicomponent fibers to reduce cost, process with less effort, and and/or improve performance characteristics. The Examiner concludes that it would have been obvious to one of skill in the art to include glass staple bicomponent fibers to reduce cost, process with less effort, and and/or improve performance characteristics.

In response to this rejection, Applicants respectfully direct the Examiner's attention both to the amendments made to claim 1 and to the arguments presented above with respect to the rejection of claims 1, 3, 5, 9-13, and 15 under 35 U.S.C. §103(a) over Haile in view of Kelman and submit that claim 1, as amended, defines a liner/insulator that is not taught or suggested by Haile and/or Kelman. As discussed above, neither Haile nor Kelman teach or suggest a liner/insulator in which a plurality of ribs of fibrous material project outwardly and which are positioned exterior to a uniform base layer of fibrous material where the fibrous ribs are thermally bonded to the base layer as claimed in amended claim 1. As discussed above, Alkire does not teach or suggest a uniform base with fibrous ribs thermally bonded to a base layer, and thus does not make up for the deficiencies of Haile and Kelman, namely, a plurality of fibrous ribs projecting outwardly and positioned exterior to a uniform base layer. Therefore, it is respectfully submitted that claim 1, as amended, is not taught or suggested by Haile, Kelman, and/or Alkire. As such, Applicants respectfully submit that claim 1 is non-obvious and patentable over Haile, Kelman, and Alkire, in any combination. Because claim 47 is dependent upon claim 1, which, as discussed above, is neither taught nor suggested by Haile and Kelman, and because Alkire adds nothing to the teachings of Haile or Kelman with

respect to ribs projecting outwardly and positioned exterior to a uniform base, Applicants submit that claim 47 is not taught or suggested by the combination of Haile, Kelman and/or Alkire.

In view of the above, Applicants submit that claim 47 is not obvious over Haile, Kelman and/or Alkire and respectfully request that the Examiner reconsider and withdraw this rejection.

Conclusion


In light of the above, Applicants believe that this application is now in condition for allowance and therefore request favorable consideration.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

If necessary, the Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 50-0568 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

Date: 4/1/08


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Attachment A



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uniform

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uniform [1, adjective]

uniform [2, transitive verb]

uniform [3, noun]

Uniform

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Main Entry: **'uni-form** **•**

Pronunciation: \yū-nə-fōrm\

Function: *adjective*

Etymology: Middle English *uniforme*, from Middle French, from Latin *uniformis*, from *uni-* + *-formis* -form

Date: 15th century

- 1 : having always the same form, manner, or degree : not varying or variable
<uniform procedures>
- 2 : consistent in conduct or opinion <uniform interpretation of laws>
- 3 : of the same form with others : conforming to one rule or mode : **CONSONANT**
- 4 : presenting an unvaried appearance of surface, pattern, or color <uniform red brick houses>
- 5 : relating to or being convergence of a series whose terms are functions in such manner that the absolute value of the difference between the sum of the first *n* terms of the series and the sum of all terms can be made arbitrarily small for all values of the domain of the functions by choosing the *n*th term sufficiently far along in the series

— **uni-form-ly** **•** \yū-nə-fōrm-lē, yū-nə-\ *adverb*

— **uni-form-ness** **•** \yū-nə-fōrm-nəs\ *noun*

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